

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

THE UNITED STATES OF AMERICA

vs.

**CASE NOS: 3:99-CR-00161-005 (DRD)
3:99-CR-00308-002(DRD)**

ROBERTO LOPEZ-MORALES

*** * * * ***

MOTION IN RESPONSE TO COURT ORDER DATED APRIL 2, 2007

**TO THE HONORABLE DANIEL R. DOMINGUEZ
UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO:**

COMES NOW, Benjamín Bonilla-López, United States Probation Officer of this Honorable Court respectfully informs and prays the following:

1) On December 20, 2001, the offender was sentenced by Your Honor, to an eighty seven (87) month imprisonment term, as to each count in both criminal cases to be served concurrently with each other. A five (5) year term of supervised release was also ordered as to each count to be served concurrently with each other, after he was convicted of violating Title 21, United States Code, § 846. Mr. López-Morales was further ordered to submit to urinalyses. He was released on March 18, 2005, at which time the supervision term began.

2) Mr. López-Morales has completed twenty-five (25) out of the sixty (60) months of his supervision term. All drug testing conducted to Mr. López-Morales have yielded negative results to illegal drug use. On February 24, 2003, the imposed special monetary assessment was paid in full. Although Mr. López-Morales alleges that DNA was collected, our records reflect that same is still pending and will be collected according to the office schedule.

3) Although Mr. López-Morales could be granted early termination pursuant to Title 18, United States Code, § 3564 (c) & 3583 (e)(1), it is important to point out that since sentencing he has benefitted from this Court's leniency by receiving a sentence below the lower end of the guidelines.

4) In addition, his fifteen (15) year old daughter and fourteen (14) year old son reside with Mr. López-Morales' parents in the town of Aguadilla and his eleven (11) year old daughter and ten (10) year old son reside with their mother in the town of San Sebastian instead of residing with him, as he tried to imply in his motion. Moreover, Mr. López-Morales' employment during his two years of supervision have not been of a very stable nor verifiable nature. Lastly, Mr. Lopez-Morales has only completed two (2) out of the five (5) years of the term of supervision imposed by Your Honor.

5) Therefore, despite the fact that Mr. López-Morales has displayed an adequate adjustment while on supervision, the United States Probation Office feel that the goals, set for this particular offender, still have not been fully attained and as a result early termination is not recommended at this time.

WHEREFORE, after having considered all presented facts in this case, it is our office recommendation that early termination, not be granted at this time.

In San Juan, Puerto Rico, this 19th day of April 2007.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

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CERTIFICATE OF SERVICE

I HEREBY certify that on April 19, 2007, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following Jose Ruiz, Assistant U.S. Attorney.

In San Juan, Puerto Rico, this 19th day of April 2007.

s/Benjamin Bonilla

Benjamín Bonilla

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